

## REMARKS

Reconsideration of this application as amended is respectfully requested.

In the Office Action, claims 1-40 and 74 were pending and rejected. In this response, no claim has been canceled. Claims 1-22, 25, and 74 have been amended. No new matter has been added.

Claims 1-4, 6-7, 9-14, 16-17, 19-24, 26-27, 29-34, 36-37, 39-40, and 74 are rejected under 35 U.S.C 103(a) as being unpatentable over U.S. Patent No. 6,026,383 of Ausubel ("Ausubel") in view of U.S. Patent No. 5,715,402 of Popolo ("Popolo") and U.S. Patent No. 6,178,431 of Douglas ("Douglas").

Claims 5, 15, 25, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ausubel in view of Popolo, Douglas, U.S. Patent No. 3,637,464 of Walsh et al. ("Walsh"), and U.S. Patent No. 5,794,207 of Walker et al. ("Walker").

In view of the foregoing amendments, it is respectfully submitted that claims 1-40 and 74 as amended are patentable over the cited references. Specifically, independent claim 1 recites as follows:

1. A computer implemented method of conducting an electronic online auction on behalf of a buyer, wherein the auction is between a plurality of potential bidders, competing to supply a lot having at least one product to the buyer, the method comprising:

receiving first bid information for a lot from a first bidder, said received first bid information representing a first bid that is originally defined in a context of said first bidder according to one or more first comparative bid parameters associated with the first bidder;

storing information reflective of said submitted first bid, said stored information enabling a relative comparison of submitted bids, including said first bid, on a common competitive basis; and

transmitting second bid information defined in a context of a second bidder according to one or more second comparative bid parameters associated with the second bidder that is different than said context of said first bidder to said second bidder, said transmitted second bid information

representing the first bid information of the first bidder in view of the second comparative bid parameters of the second bidder and enabling said second bidder to view said first bid originally defined in said context of said first bidder in said context of said second bidder,  
wherein the first bidder and the second bidder are different seller parties, and the buyer is different from the first bidder and the second bidder.

(Emphasis added).

Independent claim 1 includes limitations of receiving first bid information from a first bidder as a first seller or supplier, where the first bid information is formulated in accordance with the comparative bid parameters associated with the first bidder (e.g., first seller). In response to the first bid information, second bid information is transmitted to a second bidder as a second seller or supplier, where the second bid information is formulated in accordance with the second comparative bid parameters associated with the second bidder (e.g., second seller). The second bid information represents the first bid information in view of the second comparative bid parameters associated with the second bidder. As a result, the second bidder or seller can see the bidding information provided by the first bidder or seller in the specific configuration of the second bidder. It is respectfully submitted that the above limitations are absent from the cited references, individually or in combination.

Rather, Ausubel is related to an auction where multiple buyers bidding on the object being auctioned (see, Abstract of Ausubel). The Examiner stated:

“Participants of the online auction include a sponsor and at least two potential bidders competing for award of a lot (col. 3, lines 105). Multiple bid information is received for a lot from multiple bidders (col. 2, lines 61-62).”

(9/27/2004 Office Action, page 2).

Applicant respectfully disagrees. It is respectfully submitted that the bidders of Ausubel are not the same bidders as recited in independent claim 1. The first and second bidders recited in independent claim 1 are supplier bidders for supplying a lot of products to

the buyer (e.g., sellers). However, the bidders of Ausubel are buyer bidders. Specifically, Ausubel stated:

“First, the auctioneer determines a starting price and announces it to the bidders. Each bidder responds with a bid indicating how many objects each wishes to purchase at the current price.”

(Ausubel, col. 3, lines 2-5, emphasis added).

Clearly, Ausubel is related to a buyer auction and the bidders of Ausubel are buyer bidders, while the present invention as claimed is related to a supplier auction and the bidders are sellers. It appears that the teaching of Ausubel teaches away from the present invention as claimed.

In addition, Ausubel also fails to disclose or suggest the limitations of sending the bid information of each bidder to another bidder (e.g., the rest of the sellers) in a format compatible with the comparative bid parameters associated with the respective bidder or seller. As a result, each bidder or seller can view other bidders' bidding information in its own view.

Similarly, Pololo is related to matching a buyer with a seller, where “a buyer may bid on part or all of an item posted and the seller may accept or reject any bid.” (see, Abstract of Pololo). Clearly, Pololo is also related to a buyer auction instead of seller/supplier auction as recited in the independent claim 1.

Douglas is related to a method and system for providing side notes in word processing (see, Abstract of Douglas), which is completely unrelated to electronic auction. Walker is related to a system that allows prospective buyers of goods and services to communicate a binding purchase offer globally to potential sellers (see, Abstract of Douglas). It is respectfully submitted Douglas also fails to disclose the limitations set forth above. Walsh is related to coke production, where coal fines are agglomerated by adding a liquid hydrocarbon

to an aqueous dispersion of the fines and agitating the mixture to form spherical agglomerates (see, Abstract of Walsh), which completely unrelated to the electronic auction as claimed in the present application.

It is respectfully submitted that there is no disclosure or suggestion within these cited references (e.g., five different references set forth above) to combine with each other. It would be impermissible hindsight based on Applicant's own disclosure to make such a combination. Even if they were combined, such a combination still lacks the limitations set forth above. Therefore, it is respectfully submitted that independent claim 1 is patentable over the cited references.

Similarly, independent claims 21 and 74 include limitations similar to those recited in claim 1. Thus, for the reasons similar to those discussed above, independent claims 21 and 74 are patentable over the cited references.

Given that the rest of the claims depend from one of the above independent claims, at least for the reasons similar to those discussed above, it is respectfully submitted that the rest of the claims are patentable over the cited references.

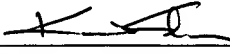
In view of the foregoing, Applicant respectfully submits the present application is now in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call the undersigned attorney at (408) 720-8300.

Please charge Deposit Account No. 02-2666 for any shortage of fees in connection with this response.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

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